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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,331	07/11/2001	Linda Bilsing	10010683-1	8428

7590 05/27/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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Fort Collins, CO 80527-2400

EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,331

Applicant(s)

BILSING ET AL.

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-9 and 20-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-9 and 20-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the AMENDMENT entered on March 12, 2004 for the patent application number 09/903,331 filed July 11, 2001.
2. The pending claims 2, 4-9, and 20-31 are examined as follow:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2, 4-9, and 20-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Camara et al (US Pat. No.6,373,507 B1).

With regard to claim 22:

Camara discloses an image acquisition system (Fig. 1). As illustrated in fig. 1, the image acquisition system is configured to provide choices or selections to a user and retrieve or receive digital image data corresponding to a captured image. For example, again, as illustrated in Fig. 1, user will be able to retrieve or receive image from one or more image capture devices, such as from scanner, digital camera, regular camera or from other image capture devices (column 4, lines 46-column 5, lines 4).

As illustrated in Fig. 1, these image-capturing devices are communicatively coupled to the image acquisition system (Fig. 1); wherein, in response to the user selecting one of the image capturing devices, the image-capturing device captures an image as digital image data in a format corresponding to the one of the image-capturing devices (column 5, lines 5-67). For example, when a user selects one of these devices, such as the scanner, the selected device is shown in Fig. 5. By using/selecting the associated functions or menus of the selected scanner, the user will be able to format, modify or alter the displayed image that is retrieved from the selected scanner (column 7, lines 12-29, see also the *Options* tables 1-3).

With regard to claim 2:

Camera further describes the graphical user interface further includes a plurality of image capture device icons for selection by the user (fig. 4, column 4, lines 46-column 5, lines 4).

With regard to claim 4:

The image acquisition is further configured to enable editing of said format settings by using the graphical interface windows (see figs. 5, #120, fig. 6, #150, and Fig. 7, #170).

With regard to claim 5:

Camara describes that the graphical user interface is configured to enable a user to preview image data that has been formatted (see figs. 5, #120, fig. 6, #150, and Fig. 7, #170, column 5, lines 40-53).

With regard to claim 6:

Camera further describes a plurality of selectable options to the imaging context includes posting the image for printing and viewing (display), e-mailing for printing and viewing and saving and retrieving image data (see figs. 5, #120, fig. 6, #150, and Fig. 7, #170, column 5, lines 5-column 8, lines 48).

With regard to claim 7:

Camara discloses a plurality image capturing devices (fig. 4) including scanner, digital camera, multi-function device (faxing and copying capabilities), and data sender (e-mailer) (column 5, lines 31-39).

With regard to claim 8:

Camera describes the image acquisition system is further configured to launch a graphical application, wherein this graphical application enables user to edit the digital image (column 3, lines 17-59).

With regard to claim 9:

Camara further describes user can manipulate the captured image by selecting and applying a function, such as image cropping, or resizing function selection (see figs. 5, #120, fig. 6, #150, and Fig. 7, #170) via a user interface device (e.g., mouse or keyboard) (fig. 1, #62).

With regard to claim 23:

As illustrated in Fig. 4, Camara further discloses launching image-capturing device selection screen (Fig. 4), wherein the screen enables user to select one of the image-capturing devices in order to access, retrieve or launch a captured image by the selected device (column 4, lines 46-column 5, lines 4). Once the image is retrieved

within the graphical user interface (Fig. 5), the user is then allowed to select the desired function to apply to the image.

With regard to claim 24:

Camara further discloses modifying or resizing the captured image from image-capturing device, such as, scanner, wherein changing the size of the image changes or modifies the resolution of the captured image (column 5, lines 40-53, Fig. 5)

With regard to claim 25:

The method claims 25 recites steps performed by the system of claim 22 and therefore is rejected under the same rationale.

With regard to claim 26:

Claim 26 is rejected for reasons similar to those given for the rejection of claim 23.

With regard to claim 27:

Claim 27 is rejected for reasons similar to those given for the rejection of claim 24.

With regard to claim 28:

Camara further modifying the digital image data after the digital image data has been acquired (column 5, lines 5-53). For example, after user selects one of the image-capturing devices (Fig. 4), such as scanner, then the user is able to edit the captured image as shown in Fig. 5.

With regard to claim 29:

Independent claim 29 corresponds generally to independent claim 25 and recites similar features in a computer readable medium form, and therefore is rejected under the same rationale.

With regard to claims 20 and 21:

These are computer readable medium claims correspond to claims 5 and 8, respectively, therefore, are rejected for the same reasons given for the rejected claims 5 and 8.

With regard to claim 30:

Claim 30 is rejected for reasons similar to those given for the rejection of claim 24.

With regard to claim 31:

Claim 31 is rejected for reasons similar to those given for the rejection of claim 28.

Response to Arguments

4. Applicants arguments filed March 12, 2004 have been fully considered but they are not persuasive. Applicants argue that the portion of each independent claims limitation, i.e., *modification of said format responsive to a user input such that the format at which the image is captured is modifiable by the user* is not disclosed by Camara. Applicants also states Camara appears to involve modification of image data after that image data has been acquired.

In contrast to the applicants argument, Camera does teach modifying or setting up the properties, such as the size, resolution and including other properties of the

image prior to capturing the image from the device. For example, as illustrated in Fig. 5, #134, the captured image shown has its own properties setup, for example, as a default setup, prior to viewing/capturing the image. Furthermore, once the image is captured from the device, user can modify the image further, such as resizing the image (column 5, lines 40-61, column 14, lines 17-29, Fig. 5).

CONCLUSION

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 – 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

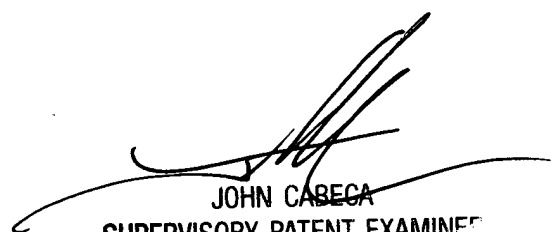
7. The Official fax number is (703) 872-9306.

Art Unit: 2173

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

5/17/2004



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 21